

Message Text

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PAGE 01 KATHMA 04413 071217Z
ACTION NEA-10

INFO OCT-01 ISO-00 DHA-05 CIAE-00 DODE-00 PM-05 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02
SS-15 USIA-06 IO-13 /075 W
-----116046 080255Z /75
R 071000Z OCT 77
FM AMEMBASSY KATHMANDU
TO SECSTATE WASHDC 9813

C O N F I D E N T I A L KATHMANDU 4413

E.O. 11652: GDS
TAGS: PINT, NP
SUBJECT: COURT TO HEAR PETITION FROM GANESH MAN SINGH

REF: KATHMANDU 4233

1. IN LATEST DEVELOPMENT RE GON HANDLING OF "POLITICAL"
DETAINEES PRESS REPORTS THAT SUPREME COURT RULED OCTOBER 5 THAT
CENTRAL REGIONAL COURT WAS COMPETENT TO LOOK INTO PETITION
BY JAILED NEPALI CONGRESS LEADER GANESH MAN SINGH TO THE
EFFECT THAT ACTION OF SPECIAL COURT TO DETAIN HIM WAS
"ULTRA VIRES." SUPREME COURT JUSTICE ISHWARI RAJ MISHRA
TOLD EMBOFF OCT 6 THAT COURT'S DECISION WAS STRICTLY PRO-
CEDURAL. QUESTION WAS WHETHER PETITION SHOULD BE CONSIDERED
BY EASTERFWREGIONAL COURT WHERE EVENTS LEADING TO CHARGES
PENDING AGAINST SINGH OCCURRED OR IN KATHMANDU WHERE SPECIAL
COURT CONVENED AND WHERE SINGH REPORTEDLY WANTS CASE TO BE
HEARD. SUPREME COURT HAD SIMPLY DECIDED IN FAVOR OF LATTER
WITHOUT IN ANYWAY RULING ON MERITS OF PETITION. MISHRA DID,
HOWEVER, CONFIRM THAT ISSUE AT HEART OF SINGH'S PETITION
WAS CHALLENGE TO LEGALITY OF HIS ARREST.

2. IT CAN BE ARGUED (AS DID JUDGE MISHRA) THAT ABOVE
ACTION IS SIMPLY NEPALESE LEGAL PROCESS AT WORK. THIS
IN ITSELF IS ENCOURAGING. BUT, AS NOTED REFTTEL, GANESH MAN
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SINGH IS REMAINING PROMINENT POLITICAL FIGURE STILL UNDER
DETENTION IN NEPAL AND FACT THAT COURTS MOVING NOW,
OVER NINE MONTHS AFTER HIS ARREST, MAY BE MORE THAN
COINCIDENCE. IN SHORT WE WILL NOT BE SURPRISED IF
PREDICTION OF FORMER PRIME MINISTER SURYA BAHADUR THAPA
TO EMBOFF OCT 6 TO EFFECT THAT SINGH WILL SOON BE FREE
MAN PROVES CORRECT.

HECK

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Message Attributes

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Control Number: n/a
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Sent Date: 07-Oct-1977 12:00:00 am
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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